

**DUMONT JOINT LAND USE BOARD  
SPECIAL MINUTES FOR DECEMBER 17, 2013 MEETING**

**SPECIAL MINUTES**

Flag Salute

**SESSION:** This is a special joint meeting of the Joint Land Use Board and Borough Council, of the Borough of Dumont, held in the Dumont Senior Center.

**December 17, 2013  
8:00 PM**

**SUNSHINE LAW:** This meeting is a special joint public meeting of the Joint Land Use Board and Borough Council, held in the Dumont Senior Center located at 39 Dumont Avenue, Dumont, NJ on December 17, 2013 at 8:00pm. The date, time, and location were established by the Dumont Borough Council. A copy of the special meeting notice was forwarded by the Borough Clerk to *The Record*, the *Ridgewood News*, and posted in the Borough Hall of the Borough of Dumont. All notice requirements of the Open Public Meetings Act of the State of New Jersey have been fulfilled.

**JOINT LAND USE BOARD ROLL CALL:**

Thomas Trank	A	Michael Affrunti	P	Councilman Matthew Hayes	P
Michael Worner	P	Timothy Hickey	P	Elmer Pacia	P
William Goodman	A	Barbara Chen	P	Michael Cremin Alt # 1	P
Alfred Moriarty Alt # 2	P	Janet Masio Alt # 3	P	Mynor Frank Lopez Alt # 4	A
Chairman William Bochicchio	P				

Others: Board Attorney – Mark D. Madaio, Esq.: Marc Madaio- P  
Board Engineer – Boswell Engineering: James Fordham- NA  
Board Planner – Neglia Engineering: Dan Kaufman- NA  
Board Clerk - Rosalia Bob- P

**MAYOR AND COUNCIL ROLL CALL:**

Councilman Harry Stylianou	P	Councilman Bill Brophy	P
Councilwoman Ellen Zamechansky	P	Councilman Matthew Hayes	P
Councilman Matthew Carrick	P	Councilman Rafael Riquelme	P
Mayor James Kelly	P		

Others: Borough Attorney – Gregg Paster- P  
Borough Administrator – John Perkins- P  
Borough Clerk – Susan Connelly- P

**BUSINESS:** Discussion on proposed Third Round Housing Element and Fair Share Plan for inclusion in the Borough's Master Plan

**BUSINESS:** Discussion on recommendations to the Governing Body for submission to the Council on Affordable Housing

Chairman William Bochicchio begins by explaining that the board is here tonight not to discuss DeAngelo's Farms but to discuss COAH itself and the adoption of a third round housing element and fair share plan for COAH and its inclusion into the borough's Master Plan. He states that the board had selected a COAH subcommittee which included himself, Timothy Hickey and Michael Worner and the subcommittee had met with the borough attorney, administrator, select members of council and a representative of Maser Consulting to go over the borough's COAH status. Chairman William Bochicchio states that the borough has no COAH protection and they are not certified in round 1, 2 or 3. He states that a developer can come in with any zoning he wants and as long as it has COAH affordable housing, they can take it to court and win. He explains that since the borough's COAH was not met, a builder's remedy could happen to any undeveloped property remaining within the borough.

A representative from Maser Consulting, Darlene Green explains that it is a constitutional mandate for NJ municipalities to include a housing element for affordable housing. She states that COAH is the administrator of affordable housing in NJ. She states they are here not to review any site plan or to re-zone a particular property but that they are only here to approve an affordable housing plan. She explains that she had met with the JLUB members and proposed five different plan options. She states the board discussed each plan to see how the borough could handle the plan and its costs. The board requested a sixth option for comparison. She states that the board after its review felt that the third option presented was the best fit for the borough. She states that the borough has been given a rehabilitation obligation of 31 units, a prior round obligation of 34 units and a third round obligation of 35 units. She states that the rehabilitation obligation has been satisfied, the prior round obligation has been satisfied but third round obligations have not been met. She states that these cannot be age restricted or group homes and that these affordable units have to be open to anyone. She explains that the borough does have credits towards the 35 units but that the borough needs real units, family units. She states that the borough needs to include any undeveloped property with potential for development within its COAH plan. She explains that option three uses DeAngelo's Farm for potential development for a blend of affordable and rental units. She discusses an option for the borough to do a market to affordable program in which the borough would talk to current owners of garden apartment complexes to which the borough could pay that property owner 25,000 in one COAH payment to deed restrict a unit for 30 years to be an affordable housing unit. She states that the borough can develop a fee ordinance to charge a COAH fee to any new development and these funds can help offset the borough's expense and be used to pay the market to affordable program. The borough attorney, Gregg Pastor states that by 2018 the borough needs to comply with 17 new units of affordable housing and 1 market to affordable unit, which currently the market to affordable unit exists. Timothy Hickey states that this is only an amendment to the borough's master plan in order to meet with COAH.

Chairman William Bochicchio opens the hearing to the public

Several residents come up before the board: Matthew Balin at 12 Elizabeth Street; Sandy Fernandez at 199 Summit; Rachel Bunin at 9 Poplar Street; John Leado at 30 Wilkens Drive; Wayne Bablin at 60 Stratford; Lin Vietri at 27 Wilkens Drive and Mike Ackel at 44 Wilkens Drive. They asked such questions as: Will the borough have to comply with more rounds going further; are the COAH submissions for third round due already; why re-zone because this would be horrible to community; can COAH plan include only one parcel of land and can the larger parcel be saved; will cul-de-sac be opened if land is developed; are there COAH homes instead of apartments; do COAH units have to be at DeAngelo's and what is the next meeting on the 20<sup>th</sup>.

Darlene Green and Gregg Paster gave such answers as: COAH is ever growing and additional rounds could come in the future but we don't know; submission needs to be done in order to protect the borough; cannot speak for site plan information and that they are here to only adopt a housing element; DeAngelo's has to be included as a whole and the plan calls for the use of this property because it's the only major undeveloped land within the borough and the meeting on the 20<sup>th</sup> is for the Mayor & Council which anyone from the public can attend.

Chairman William Bochicchio closes the hearing to the public

Chairman William Bochicchio opens the hearing to the Mayor & Council

Councilman Matthew Carrick asks several questions such as: Does this property have to be used; what happens if in 2018 the borough still cannot meet COAH obligations with this plan; are we meeting tonight to adopt COAH plan or re-zone a property and what is exactly being sent to COAH. Councilman Bill Brophy asks about the market to affordable program as an option. Councilman Harry Stylianou asks what is saying that this plan has to be at that this particular property.

Darlene Green and Gregg Paster gave such answers as: the plan can be amended at any time; the borough needs to certify a plan in order to protect the borough from any developers litigation; there are other borough's that have committed plans that are not build yet; the borough will eventually have to change zoning in order to meet COAH obligation; the plan calls for 17 new affordable units and these units have to be put on an undeveloped parcel of land; the property needs to be re-zoned in order to prove the validity of the plan to COAH; there were other options that included more market to affordable units but the borough would not have the money for those options since the borough pays the property owner for the market to affordable units and COAH is stating the need for this particular property because it guidelines these units to come from undeveloped land.

Chairman William Bochicchio closes the hearing to the Mayor & Council

Chairman William Bochicchio calls for a motion from the board on the resolution adopting the housing element and fair share plan for COAH.

**RESOLUTION:** Adopting the Housing Element and Fair Share Plan

**Motion:** Timothy Hickey

**2<sup>nd</sup> by:** Barbara Chen

## ROLL CALL:

Mayor James Kelly	Y	Michael Affrunti	Y	Councilman Matthew Hayes	Y
Michael Worner	Y	Timothy Hickey	Y	Elmer Pacia	Y
William Goodman	NA	Barbara Chen	Y	Michael Cremin Alt # 1	Y
Alfred Moriarty Alt # 2	NA	Janet Masio Alt # 3	NA	Mynor Frank Lopez Alt # 4	NA
Chairman William Bochicchio	Y				

Chairman William Bochicchio calls for the JLUB portion of the meeting to adjourn  
All in Favor

Minutes respectfully submitted by:  
Rosalia Bob  
Joint Land Use Board Clerk